

MINUTES OF THE
FAIRFIELD BOARD OF ZONING APPEALS

December 5, 2012

Ron Siciliano called the Board of Zoning Appeals hearing to order at 6:00 p.m. at the Fairfield Municipal Building, 5350 Pleasant Ave.

Roll Call

Lynda McGuire, Secretary, called the roll of the Board of Zoning Appeals. Present members were Ron Siciliano, Jack Wesseler, Don Carpenter, Joseph Koczeniak, Chad Oberson, Scott Lepsky and Debbie Pennington. Rick Helsinger, Building Official and John Clemmons, Law Director were also present.

Pledge of Allegiance

Minutes of the Previous Meeting

The minutes from the Board of Zoning Appeals meeting held on November 7, 2012 were approved. Motion carried 7-0.

New Business

Case No. BZA-12-0039 – Accessory Building over 500 square feet – 17 Lake Cumberland Dr.:

Drew Young is requesting a variance to construct a 624 square foot garage.

STR had no comment on this case, but there was a phone call received from the homeowner at 19 Lake Cumberland. They object to the variance.

Property Owner's Comments

Drew Young spoke regarding the variance. He would like to build a standard 24' x 26' garage, and will extend the existing driveway back to the garage. The garage is going to be built in the same location as the existing dog kennel and shed, as shown on the submitted site plan. Those items will be relocated to the northwest corner of the yard. He plans to store his motorcycles and four wheelers in the new garage, to free up space in his current garage for his personal vehicle.

Public Hearing

Vicki Daniel, 19 Lake Cumberland Dr. spoke regarding the variance. She does not want the variance to be approved. She provided pictures and a petition from surrounding neighbors who couldn't attend the meeting, who object to the variance. She said Mr. Young has a lot of "toys" on his property; motor home, motor cycles, etc. Most of the time the motor home is stored on the property, but in the winter, he stores it offsite. She said Mr. Young is planning to retire soon, and he likes to work on trucks and motorcycles, and she thinks he will be working on them in the new garage. She is also retiring soon, and would like to be able to work out in her yard and relax on her deck without having to see and listen to him.

Mr. Richardson, from 6 Lake Cumberland spoke regarding the variance. The proposed garage will not really affect him; he lives too far away to see the new garage. Their neighborhood covenant says there are no outbuildings allowed in the neighborhood; Mr. Young's would be the first home with a detached garage. He thinks whatever Mr. Young builds will look really nice, he just worries about setting a precedent for the rest of the neighborhood. Mr. Clemmons said the city has no jurisdiction over neighborhood covenants, and the Building Department has not seen the covenants. Deed restrictions and covenants can never supersede city ordinances. Mr. Siciliano asked how hard they were to enforce. Mr. Clemmons said they would need to file a motion with the court.

Drew Young asked if he could withdraw his request for the variance.

Case No. BZA-12-0040 – Fence in front yard setback – 305 Beech Ave.:

Robin Crouch is requesting a variance to place a privacy fence in the front yard setback on her corner lot.

STR had no comment on this case.

Property Owner's Comment

Robin Crouch spoke regarding the variance. She said her actual address is 4654 River Rd. She wants to construct the vinyl fence where the existing chain link is now, to keep her granddaughter and dogs away from the road. They would like to beautify that side of the house with the vinyl privacy fence. Mr. Siciliano said it looks like they have done a lot of work to the property, and it looks better. The fence does not appear to be an issue to him. Mr. Koczeniak asked for clarification on placement of posts with these types of fences. The posts are visible on both sides of the fence.

Public Hearing

None

Board Re-Convened

Scott Lepsky, seconded by Debbie Pennington, made a motion to approve the variance as submitted. Motion carried 7-0. Motion to waive the 5 day waiting period carried 7-0.

Case N. BZA-12-0041 – Sign exceeds allowable – 5174 Pleasant Ave. Unit B:

Jeff Piatt, for Jimmy Asmar, is requesting a variance to exceed the 24.8 square feet of remaining signage allowable by 17.2 square feet, for a total of 42 square feet of signage.

STR recommended the board reference the attached Planning Commission memo relating to the history of the signage at this property.

Property Owner's Comment

Jeff Piatt spoke regarding the variance. He is representing Jimmy Asmar, the owner of the property. A couple of potential tenants have passed on leasing the remaining vacant space at this property due to lack of signage available. The owner takes full responsibility for the problems that exist now relating to the signage. Mr. Siciliano asked how the square footage is calculated for the signage if there are images and letters. A "box" is drawn around the letters and logos and it is calculated from that figure. Mr. Oberson asked how they arrived at 42 square feet as the amount they are requesting. Mr. Piatt said that 42 square feet would be the allowable, if you calculate the lineal footage of the space. Mr. Oberson asked if the frontage requirement was a citywide requirement or just for this space. Mr. Bachman said it was just for this building. Mr. Oberson doesn't like not knowing who the potential tenant is and what the sign will look like. Mr. Piatt said he would be willing to specify channels letters like the other tenants have if necessary. Mr. Bachman also noted that Design Review and Planning Commission would have to approve the sign, because it is Downtown. Mr. Wesseler asked if Little Caesar's moved out, would the next tenant have to comply with the square footage that was initially allowed. Mr. Bachman said any future tenants would have to comply. Mr. Lepsky wanted to clarify that they would not be nullifying the existing agreement if the variance was granted. Mr. Clemmons stated that the issue would self correct or they would need to apply for a variance.

Board Re-Convened

Scott Lepsky, seconded by Don Carpenter, made a motion to approve the variance, with the stipulation that channel letters similar to the existing tenant's signs are used. Motion carried 7-0.

Case No. BZA-12-0042 – Crushed asphalt driveway- 6241 River Rd.:

Robert Hutzal is requesting a variance to keep a crushed asphalt driveway on his vacant lot.

STR recommended the driveway be paved.

Property Owner's Comment

Robert Hutzal spoke regarding the variance. The driveway at 6201 River Rd., which is where the house is located, was also crushed asphalt, but he paved it in order to be in compliance. The vacant lot had a gravel driveway at one point. Ms. Pennington asked if the gravel driveway was grandfathered in. Mr. Clemmons indicated that it lost its non conforming use after the house was torn down. The non conforming use expires after 6 months, and the house was gone long before that. Mr. Oberson stated the property has a farm house on it, there is a gravel pit behind it and there are horses on the premises. The gravel is not out of place at all for the property; the city has developed around the property. Mr. Siciliano asked what types of vehicles were being driven on the crushed asphalt. He has hay trucks, vehicles to take

care of livestock and horse trailers driving in and out of that property. Mr. Siciliano said you don't notice the gravel unless you know it's there. Mr. Koczeniak said gravel on the street is the issue; he feels the owner should pave at a certain point from the street. Mr. Helsing said there are also specifications by Public Works regarding the thickness of the concrete. Mr. Lepsky said paving from the edge of the street to the Right of Way line is an option. Mr. Bachman agreed from the Right of Way line or at least 30 feet would be the best requirement. Mr. Hutzel said he would rather not pave that much; it is a big expense. He would be willing to put a gate up at the end of the driveway instead, to show he doesn't use it that much. Mr. Oberson figures it will cost around \$800 to pave 30 feet of the driveway. Mr. Wessler thinks that paving to the Right of Way is all that should be required; 30 feet seems like too much.

Board Re-Convened

Chad Oberson, seconded by Jack Wessler, made a motion to approve the variance with the stipulation that the driveway is paved to the Right of Way line or a minimum of 20 feet in from the road. Motion carried 7-0.

Mr. Hutzel will need to come to the Building Division for the curb cut permit. He will be paving weather permitting.

Adjournment:

Motion to adjourn carried 7-0.

Ron Siciliano, Chairman

Lynda McGuire, Secretary